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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,928

02/20/2002

Isreal Hicks

HICKS-I-1002

2184

25315

7590

11/21/2006

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,928

Applicant(s)

HICKS, ISREAL

Examiner

Korie H. Chan

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20, 26, 29, 30, 48, 50, 51, 53-55 and 57-61 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26, 29, 30, 48, 50, 51, 53-55, 57-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12-20 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons provided in the Office Action mailed 10/17/2003.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12-20 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

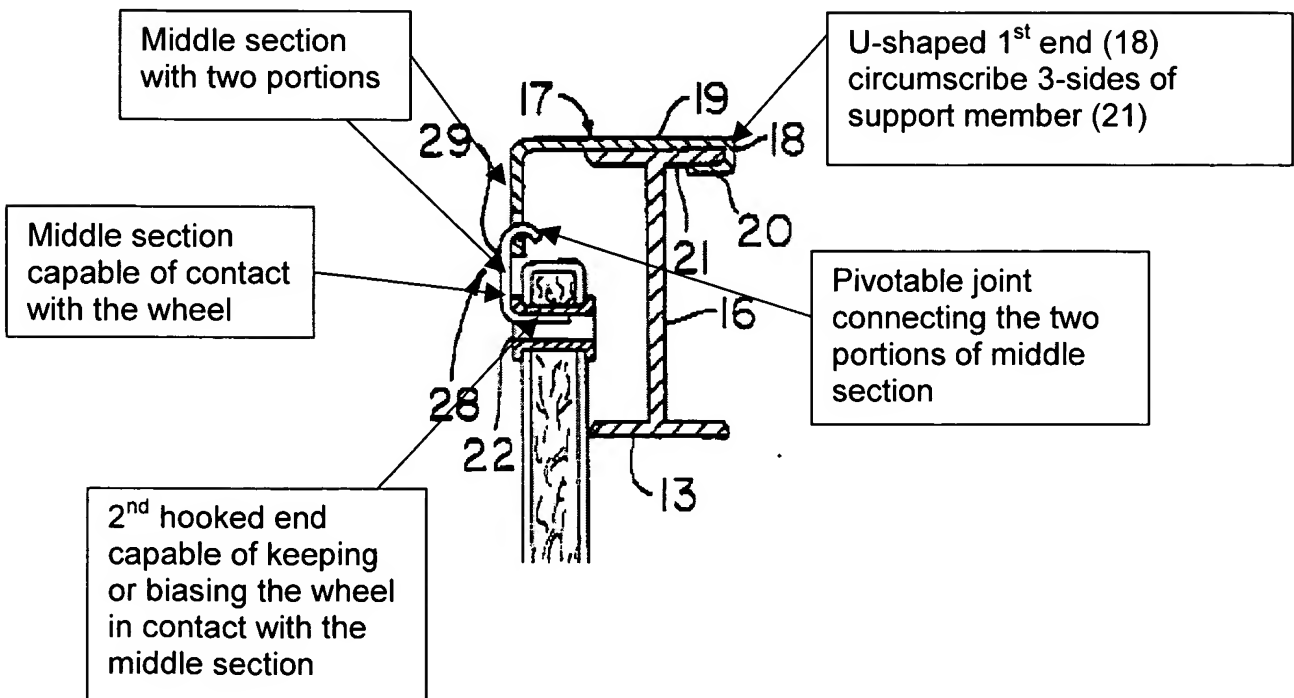
Claims 58-61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 58 recitation that the middle section extending from the hoist wrap section at an angle between 5– 85 degrees or claim 59

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with recitation angle range of 15-75 degrees are new matter as the original disclosure does not provide support for such specific range of angles.

***Claim Rejections - 35 USC § 102***

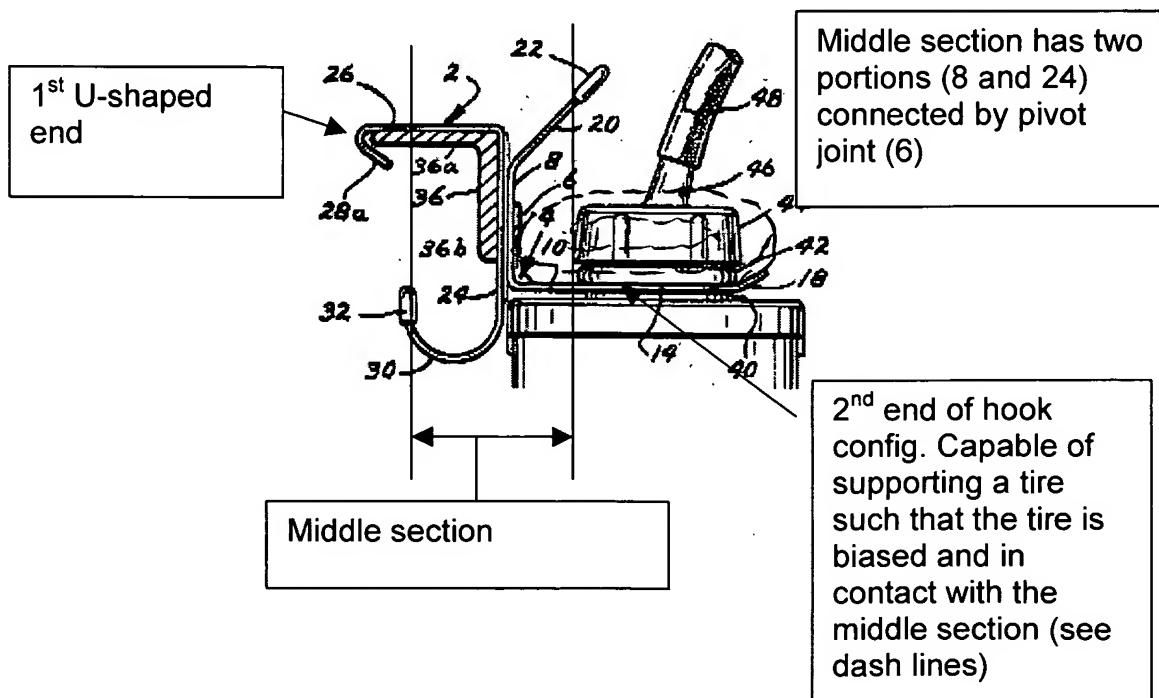
Claims 26, 29, 30, 48, 50, 51, 53-55, 57-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Zarnick (US patent no. 5,816,016). Zarnick discloses a hanger (capable of being a tire hanger) made of rigid material comprising a device configured to removably engage a horizontal support member (21), the device having 1<sup>st</sup> U-shaped end (18) circumscribing the horizontal member with a hook and a second hook configuration (see illustration below) capable of suspending wheel in vertical orientation (see orientation of element 24); and a middle section (29) with pivotable joint formed from overlapping parts having a length suitable for engaging the hook configuration with the wheel wherein the weight bearing upon the second end is conveyed through the middle section to the first end to secure the first end on the horizontal support.



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Claims 58-61 is rejected under Zarnick as best understood since applicant's disclosure did not provide for the range of specific angles of 5-85 degrees or 15-75 degrees.

Claims 26, 29, 30, 48, 50, 51, 53-55, 57-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Abel (US patent no. 3,653,624). Abel discloses a hanger (capable of being a tire hanger) made of rigid material comprising a device configured to removably engage a horizontal support member (36a), the device having 1<sup>st</sup> U-shaped end (26 abd 28a, figure 4)) circumscribing the horizontal member with a hook and a second hook configuration (10) capable of suspending wheel in vertical orientation; and a middle section (8 and 24)) with pivotable joint (6) formed from overlapping parts or two portions (8 and 24) having a length suitable for engaging the hook configuration with the wheel wherein the weight bearing upon the second end is conveyed through the middle section to the first end to secure the first end on the horizontal support.



Claims 58-61 is rejected under Abel as best understood since applicant's disclosure did not provide for the range of specific angles of 5-85 degrees or 15-75 degrees.

### ***Response to Arguments***

Applicant's arguments filed 11/7/2006 have been fully considered but they are not persuasive. Applicant argues that Zarnick does not show middle section in contacts at least part of the wheel. Zarnick disclosed all the claimed features of applicant's invention. The wheel is not claimed in combination with the tire hanger. The wheel is rather an article of intended use with the hanger as recited in the claims. Examiner would like to remind applicant that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Indeed, Zarnick's hanger is capable of supporting a wheel.


Regarding Zarnick, Abel, applicant argues that neither shows the middle section angles between 5-85 degrees or 15-75 degrees. Again, such specific dimensional angles is previously disclosed in the specification and is new matter. There is no disclosure concerning the specific degree angle of the middle section.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
November 17, 2006